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JUSTICE TO THE SOUTH !

AN ADDRESS

BY

JAMES A. DORR,
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A MEMBER OF THE NEW-YORK BAR.

OCTOBER 8, 1856.

NEW-YORK.

LOAN STACK

ADDRESS.

The country is now called upon to decide the momentous question, What are the respective rights of the North and the South in the territories belonging to the United States? The main issue involved in the pending Presidential election is,—Are the territories of the United States, according to equity and of right, free soil, from which slavery may be justly and properly wholly excluded by a majority of Congress? Upon this question, the country is divided into two great parties—on the one side, the Republican party, so called, represented by John C. Fremont, affirming the doctrine; and on the other side, the Democratic party, represented by James Buchanan, and the American party, represented by Millard Fillmore, denying the doctrine.

The Republican or Free Soil party, by their platform, or declaration of principles adopted in Convention, announce as part of their creed,—“That the Constitution confers upon Congress sovereign power over the territories of the United States, for their government, and that, in the exercise of this power, it is both the right and *the duty of Congress to prohibit in the territories* those twin relics of barbarism, polygamy and *slavery.*” These are the words of the third resolution of the platform of the Republican, or Free Soil Convention; and Colonel Fremont, the Free Soil candidate for the Presidency, in his letter of acceptance of that platform, dated July 8th, 1856, says:—“The declaration of principles embodied in the resolves of your Convention expresses the sentiments in which I have been educated, and which have been ripened into convictions by personal observation and experience.” “Nothing is clearer in the history of our institutions than the design of the nation in asserting its own independence and freedom to avoid giving countenance to the extension of slavery.” “The great body of non-slaveholding free men, including those of the South, upon whose welfare slavery is an oppression, will discover that the power of the General Government over the public lands may be beneficially exerted to advance their interests, and secure their independence.” These are the words of John C. Fremont, the Republican, or Free Soil candidate for the Presidency.

Here, then, we have the platform and the future policy of the Republican party clearly and distinctly announced, namely,—“To prohibit slavery in the territories of the United States,” and “to exert the power of the

“General Government to advance the interests of the non-slaveholding “free men, including those of the South, upon whose welfare slavery is “an oppression.” I can hardly believe my eyes when I read these words ; but they are the precise words of the platform and of Colonel Fremont.

I would now ask you, citizens of the North, have you given to the consideration of this platform and this announced policy, the serious and patient attention which their importance merit? Have you reflected upon them with due regard to the rights of the South? and, what is perhaps more important, the duties of the North? Have you fully and faithfully studied and reflected upon the subject, and are you prepared to affirm that the proposed policy of the Republican party is either just, or honourable, or generous, or fraternal, or wise and expedient? for it must be all of these before any good and patriotic citizen can give it his vote or his countenance. Are not the citizens of the South our brethren—bone of our bone, flesh of our flesh, blood of our blood? Are they not joint tenants *and heirs with us of a common inheritance?* Were not the institutions under which they live founded and established by our common ancestors? Were not our brethren of the South *born* in the midst of slavery? Was it by any voluntary act of theirs—did they choose it? Have you forgotten that the time was when the whole region now occupied and owned by the United States was subject to slavery? Have you forgotten that twelve of the thirteen original States were slave States? Do you deny that, if slavery be an evil, a wrong, and a sin, it is a *national* evil, a *national* wrong, a *national* sin? Does the fact that we of the North, favored by climate and by the proximity of the South, have been able to rid ourselves of the black race, and so to abolish slavery, justify us in requiring of the South that they, under very different circumstances, shall follow our example? And if it were just to require them to follow our example, would it not be our bounden duty to aid them, and place them, so far as we could, in circumstances similar to our own? Do you suppose that the Northern States which have abolished slavery, would or could have done so if the number of slaves had been three millions, or in that proportion, in their midst? And do you suppose that they would have done it if there had been *no outlet or vent for the black race* to the South or the West? Have you forgotten that our slaves were transported to the South? that the South received them? and that the South is now bearing our burden as well as their own? And now it is proposed by the Republican party, led by John C. Fremont, to exclude slavery from all present and future territories of the United States, and to *dam it up forever*, without any possible outlet or vent, in the region in which it exists. I would ask every intelligent and honest citizen of the North, freesoiler though he may be, are you prepared to advocate this policy, *to dam up slavery forever in the Southern States*, by prohibiting its natural progress towards the South? And further, are you prepared to advocate another similar measure supposed to be favored by the Republican party, viz.: the prohibition of the inter-State slave trade? Do you not see that the tendency of these measures is directly contrary to practical free soil? that they would fix and fasten for ever upon Delaware, Maryland, Virginia, Kentucky, Missouri and Tennessee, perhaps seve-

ral other States, the institution of slavery, which is declared to be an oppression? I would ask any intelligent and honest advocate of free soil, is not the freedom of the soil of Maryland, Virginia, Kentucky and Missouri, abstractly as important as, and to us of the North incalculably more important than, the freedom of the soil of any other region of equal extent whatsoever? We know not what southern territory may hereafter become the territory of the United States, whether by honourable purchase, or just conquest, or voluntary annexation. If we can hold together a little longer, it is probable that in the natural course of events, we shall make large acquisitions of southern territory better suited than any we possess to the comfortable existence of the black race; and I must say that, as a friend of free soil, as it was understood by Washington, by Jefferson, by Franklin, and other wise and good men, I shall hail the day of such acquisitions honorably made; for I doubt not, that were the South and slavery left to themselves, every acre of land acquired at the further South would liberate an acre in Maryland, Kentucky, Virginia and Missouri, in the freedom of whose soil we have an immediate and contiguous interest.*

I have said free soil, as understood by Washington, Jefferson and Franklin; but it is said they were in favor of the ordinance of 1787, passed for the government of the Northwest Territory, comprehending the present States of Ohio, Indiana, Illinois and Michigan,—the sixth article of which ordinance reads as follows: “There shall be neither slavery nor involuntary servitude in the said territory otherwise than in punishment of crimes, whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.” This ordinance was passed on the 13th July, 1787, under and in virtue of the articles of “Confederation” of the States, by the delegates of the confederated States—acting as the representatives of the several States—more than *two months before the formation of the present Union and adoption of the present Constitution of the United States*—which took place on the 17th September, 1787. I have never heard it doubted that the delegates of the States under the Confederation, which was superseded by this Union, had full authority to pass the ordinance of 1787; I have never heard any man, Northern or Southern, doubt the wisdom and expediency of that ordinance. It was passed by common consent of the North and the South, and dedicated to free soil a territory which ought to have been, and probably under any circumstances, would long before this have been free from Slavery. The sixth article of that ordinance is supposed to have been proposed by Jefferson,—it provides at once for free soil, and for the execution of a fugitive slave law; it was approved by Franklin and Washington, and has remained undisturbed by further legislation, from that day to this. Now I would ask the fair-minded modern free-soiler, what resemblance there is between the ordinance of 1787, and his doctrine? Was it ever proposed by Jefferson, Franklin and Washington to dam up slaves and slavery in any given region? In providing for the freedom of the soil of

the Northwest Territory, did they prohibit Southerners from entering with their slaves upon any and all territories? Consider the facts of the case: at the very time that the ordinance of 1787 was passed, Virginia, North Carolina and Georgia were the owners, in their own sovereign rights, of the territories now forming the States of Kentucky, Tennessee, Alabama and Mississippi—a territory equal in extent to the Northwest Territory; and that vast region was always open to settlement by citizens from the South or the North, with their slaves, and was so settled by them. Besides, consider the fair, legal and equitable construction of the ordinance of 1787; does it not follow, as clear as daylight, that if the ordinance of 1787 had not been passed, Slavery could have legally and rightfully gone into the Northwest Territory? If not, what was the necessity of the ordinance? And is it not the natural, just and proper inference that the co-operation of Jefferson, Franklin and Washington, in the ordinance of 1787, was an admission and recognition by them, that unless the ordinance were passed, Slavery could, and would rightfully establish itself in the Northwest Territory?

On the 17th of September, 1787, the present Constitution of the United States was adopted; and in virtue thereof the former confederacy of States, represented by delegates of the States, was superseded, and the present Union of the people of the States, represented by a House of Representatives and a Senate, was established. Let us consider the Constitution of the United States, and the early Acts of Congress under it, in reference to the question of modern free soil. It is affirmed by the Republican party, led by John C. Fremont, that “the Constitution confers “upon Congress sovereign power over the territories of the United States, “for their government; and that in the exercise of this power, it is both “the right and the duty of Congress to prohibit Slavery in the territories.” The only reference in the Constitution of the United States to any power of Congress over the territories, is in the second clause of Section 3d., Article 4th, of the Constitution, which reads as follows:—“The Congress “shall have power to dispose of and make all needful rules and regulations “respecting the territory, or *other property* belonging to the United “States; and nothing in this Constitution shall be so construed as to “prejudice any claims of the United States, or of any particular State.”

The whole authority of Congress over the subject rests upon the words,—“power to dispose of and make all needful rules and regulations “respecting the territory, or *other property* belonging to the United States;” and these words are construed by the Republican or free soil party to grant sovereign powers of jurisdiction, including the right to exclude Southerners, with their institutions, from the territories. Now, I would ask any intelligent and fair-minded man if the proper, just, legal and honorable construction of this provision of the Constitution is not,—that the United States—all the United States—each and every one of them, have a vested right of property in the territories of the United States? Are not the present territories of the United States the joint acquisitions of the United States, purchased or conquered by the common treasures and common forces of the United States—all of them—Northern and Southern, slaveholding and free alike? Have we been partners to acquire,

and are we not partners to enjoy? Is it just or honourable for the North to say to the South, you may pay for and conquer the lands, but you shall not settle upon them? Your institutions are good enough to aid in acquiring, but not good enough to participate in the benefits of the acquisitions? What sort of justice or honour is that? Why, if the North had joined the South in a scheme of rapine and plunder, even honor among thieves would require a fair division of the spoils; and "*a fortiori*," should we be just, honourable, and even generous, when it is a case of honest purchase, as of the Louisiana Territory, and of our friends and brethren of the South. I do not see how any just or honourable man can deny that the South have a vested right of property in the territories of the United States—a right of property specifically recognized in the article of the Constitution quoted, which says—"respecting the territory *and other property* belonging to the United States." Now, what is this property pertaining to the territories, if it be not the right to settle and occupy? And if you exclude the South from settlement and occupation, what remains to them of their property?

But consider a little more carefully the guarded words of the Constitution, "Congress shall have power to dispose of and make all *needful* rules and regulations respecting the territory and other property belonging to the United States:" "all *needful* rules and regulations respecting the territory and other property." One would say that the word *needful*, if it mean anything, means needful to protect and defend to the rightful owners the title and enjoyment of the property. But what say the Republican party, and John C. Fremont? They say, we construe the word *needful* to mean that we shall take their title away from the South, and give the exclusive enjoyment to the North: and this is *needful*, because we think that slavery is an oppression. That may be good reasoning for Mr. Fremont, but I do not think that his view would be sustained by any court of justice, or by any honest man, fully informed and competent to decide the question. If that be good law, or good reason, or good sense, or good in point of honesty or of honour, I do not see what defence the South have against any encroachments whatsoever on the part of the North, except such defence as they derive from themselves and their inalienable rights and powers. But let us see what light can be drawn from the early action of Congress in reference to the subject of slavery and free soil in the territories. The first Act of Congress respecting this subject, subsequent to the adoption of the Constitution, was the Act of April 2, 1790, "To accept a cession of the claims of the State of North Carolina to a certain district of Western Territory"—the territory now forming the State of Tennessee. In the fourth article of that act of cession and acceptance, we read as follows: "Provided always, that no regulations made, or to be made, by Congress, shall tend to emancipate slaves," and the same provision was subsequently agreed to by Congress in an Act accepting the cession by Georgia of the territory now forming the States of Alabama and Mississippi. We thus see what was the understanding of the Southern States in reference to free soil in the territories in which they had an interest; and we also see that neither Congress, nor Washington, who was then President of the United States, had any scruples as to the propriety of acquir-

ing and accepting for the United States, vast territories, with the express stipulation that "no regulations made, or to be made by Congress, shall tend to emancipate slaves." They did not think that free soil regulations were "needful." And afterwards, acting upon these precedents and examples, Congress, by the treaty of April 30, 1803, purchased from France the territory of Louisiana, *with slavery*, and without any free soil regulations. Of that territory Kansas and Nebraska, as well as Arkansas, Missouri, Iowa, Wisconsin, Minnesota, and vast additional regions to the north and west, are parts. And later, by the treaty of February 22d, 1819, Congress purchased from Spain the territory of Florida, *with slavery*, and without any free-soil regulations. From the foregoing, it may be inferred that up to the date—February, 1819—it was the opinion of Congress, and the sense of the country, that a free-soil limitation was not a "needful" regulation respecting the territories of the United States.

But the free-soiler will ask, how is it in the case of the Missouri Compromise? Was not that a free-soil regulation? To which I reply, it certainly was not, in any honest view or construction, a free-soil regulation. It would be equally correct to call it a regulation for the extension of slavery. The act of March 6, 1820, commonly called the Missouri Compromise, was, in fact, the drawing of geographical lines, namely, the north line of the State of Missouri, in latitude 41 degrees, or nearly, and the line of 36 degrees, 30 minutes, to the west of Missouri, and prohibiting slavery north of those lines, and by fair inference, as well as by then existing law and custom, allowing slavery south of those lines. This being so—and no person acquainted with the history of the country will deny it—the Missouri Compromise was simply a law drawing lines of demarcation which Congress at that time deemed it expedient to draw between the two different forms of society existing, one at the North, the other at the South, in the United States. I do not intend to enter upon the question of the expediency of drawing those geographical lines of demarcation; it may have been the best and the only peaceful solution possible of the political difficulties of that day; it pacified the country. It affords to us of the present day a precedent and an example of a spirit of compromise, which we may imitate with advantage. That compromise recognized and admitted the legal and equitable right of the South to settle and occupy with her forms of society, a fair portion of the common lands; it did not exclude the South and Slavery from the territories of the United States, as is proposed by the Free-soil or Fremont party of our day; it recognized the principle of the right of the South to expand and extend itself into the territories. Admitting that it was expedient by the Act of March 6th, 1820, to draw geographical lines, limiting the expansion of the two different forms of society, it seems to me that the lines were unfortunately selected; it was not politic, as I think, to draw the Northern line of demarcation upon two different and distant parallels of latitude: the North line of Missouri and the line of demarcation further West, should have been either on one and the same parallel of latitude, or following the course of some great river. I attribute to this oversight in framing the Missouri Compromise, a great portion of the present agitation on the subject of Slavery, or Freedom in

the territories. Missouri, as a Slave State, was left completely uncovered by the line of 36 degrees 30 minutes; having Illinois a free State on the east, Iowa a free State on the north, and Kansas a free territory on the west. Missouri was a peninsula of Slavery, projecting into the surging ocean of freedom. It is but natural that Missouri and the South should desire to protect their western frontier by geographical lines. In the equitable adjustment of the present difficulties, this point should be fairly considered, and every reasonable concession should be made to the natural fears and desires of our Southern brethren, in relation to a matter which they deem of the greatest importance to their interests and their security. Considering the rapid growth of anti-slavery and free-soil opinions at the North, and considering the great superiority of the North over the South in numbers, wealth and power, we cannot blame the South for desiring to protect itself from the consequences of changes of public opinion and of public conscience at the North in relation to Slavery: all we can fairly ask of the South is, that in devising and prosecuting their measures of protection, they shall proceed according to law, equity and honour. As the laws of the United States now stand, the geographical line of demarcation between the North and the South in the territories has been abolished, and according to the present existing laws, the territories are thrown open to settlers, both from the North and the South, with or without slaves, and the majority of the settlers are allowed to determine whether or not slavery shall exist among them.

A great cause of the present agitation and excitement at the North, is the belief that the laws of the United States have not been faithfully and fairly observed and executed in Kansas, and that the opinion and decision of the majority of settlers have not been fairly ascertained. If this be so, and so far as I can judge from the evidence made public in this region, the fact appears to be so, there should be an entirely new ascertainment of the will of the majority of *bona fide* settlers in Kansas. Nothing short of this will satisfy or ought to satisfy the North. The North will certainly insist upon fair play in Kansas; the North has vested rights under the laws in the common lands of Kansas, and duty and honour, as well as good policy, require that the South shall fully and fairly recognize and respect those rights. We have no reason to doubt, and I do not doubt, that the South, considered as a unit, is disposed to recognize and respect them. The South is not responsible for the acts of pro-slavery fanatics any more than the North is responsible for the words and acts of anti-slavery fanatics. Let the patriotic and honest men of both North and South unite against the fanatics of both sides, and of all sides. It is not my place to advise the Republican party as to their political creed or their platform, and if it were, it is now too late to do so; but I think that their chances of success would have been very much increased if they had limited themselves to simply demanding fair play in Kansas. They made a great mistake when they united themselves with the Anti-Slavery party, and laid as the corner-stone and foundation of their creed the doctrine that it is the duty of Congress to prohibit slavery in the territories. I do not see how any patriotic or honest man, understanding the subject, can go with them in this act of aggression.

(To propose to exclude the South from all participation in the benefits of the common lands of the country! What is it—but to propose a grand scheme of plunder and robbery?) Are we not one family, and are not the territories a common domain? Do you suppose that the South will quietly submit to the execution of any such acts of Congress, if they should be passed? Do you suppose that the South will for a moment co-operate in a Congress undertaking to pass such acts? I do not profess to foresee what the South or parts of the South may do, or attempt to do, upon the simple election of Fremont, if he should be elected. Fremont being elected upon such a platform, the South will be its own rightful judge what the South ought to do. It will be a very serious state of things, and though I hope that the South will wait to ascertain whether or not it will be proposed to put the aggressive doctrine into practical execution, I admit that I have fears that the South will wait no longer; but that, deeming the election of Fremont a decisive and certain indication of the intention of the North to put into execution the political creed which will then be ratified by a majority of the votes of the country, the South will act accordingly. And my fears are increased—because from history I have learnt, that in times of civil commotion and revolution, in general the audacious and the rash lead the moderate and prudent; because the Southern character is ardent and impetuous; and because it is a point of honour among the Southern States and Southerners that they will stand by each other in defence of their form of society whenever attacked. Suppose that Virginia or South Carolina or Georgia should secede from the Union in the event of Fremont's election; it would be a point of honour of all the Southern States to protect the seceding State against coercion, and from all harm and damage because of her secession. It is the settled opinion at the South, very generally and almost unanimously held, that the election of Fremont on the Republican platform—would justify each and every Southern State in seceding, and would tender to each and every Southern State the option to remain in the Union, or to go out of it. The great danger is in the *point of honour*; if one State should go, will not all the Southern States go with her?

(It is difficult to conceive on what grounds the Republican or Free Soil party rely, when they expect the South to submit to be excluded from all participation in the territories.) The inhabitants are of our own stock, lovers of land, and animated by the same *instinct* which we have to *occupy and settle new territories*. History goes not back to the time when our race did not endeavor to expand and extend itself into new territories. Witness the Goth in Italy and in Rome; the Norman in France, and afterwards in Great Britain; the Anglo Saxon in England; the English in America, Australia, Asia; the New Englander in Iowa; the Virginian in Missouri; and both the New Englander and the Virginian in Kansas. There is a family likeness among all these, and a resemblance in their deeds. *It is in the blood*. On what grounds the Republican party rely when they expect the South to quietly surrender their rights in the common lands, I cannot imagine; and I will venture to say there are no good and safe grounds for such a reliance.

—We are informed by Colonel Fremont, in his letter of acceptance, of July 8th, 1856, that the “genial region of the middle latitudes left to

“the emigrants of the Northern States for homes, cannot be conquered from the free laborers, who have long considered it set apart for them in our inheritance, without provoking a desperate struggle.” This language is stamped with the family likeness before referred to; and yet Colonel Fremont and his party expect a branch of the same race, full of the same blood, to submit to be excluded from all the territories and deprived of their inheritance without a desperate struggle!

But say the free soil party, we have the majority—we of the North are seventeen millions, while they of the South are only seven millions; we have the power, and we will make the South submit. As a Northern man, I rejoice in the strength of the North; I rejoice in it for itself, for the independence and security against aggression which it gives, and still more because it enables the possessor to do, as well as to exact, justice.

“It is excellent
To have a giant's strength.”

But when that strength is to be perverted to purposes of plunder and robbery, to the stripping of our brethren of their inheritance, I could wish that the giant were not so strong—

“It is excellent
To have a giant's strength; but it is tyrannous
To use it like a giant.”

Justice is *better* than strength, and I will venture the assertion, is *stronger than strength*; and I would warn the Republican and free soil party, at the outset of their career, that, if having the majority even, they undertake to do that which is unjust—by which I mean, that if they undertake to exclude the South from the territories of the United States, they will fail in their attempt, and their strength will be shattered. The lovers of justice will be against them in the North; and the South, united by a common sentiment, by common dangers, and a common necessity, will remain and be the largest, the most solid, and the most powerful fragment of the Union. Pennsylvania and New-York will not join with Massachusetts in any such crusade against the South. Speaking for the city of New-York, with its population, and its wealth, she would, in case of such a projected crusade, join *with the South against Massachusetts*; and speaking for myself, I solemnly declare, that I also in such a case should join with the South. Born in Massachusetts, I love the place of my birth; but I love justice and honour more. It is painful to contemplate even in imagination the catastrophe of a dissolution of this Union, compared with the evils of which, all the evils pertaining to or alleged against slavery, are but as the dust in the balance; but if that calamity is to come, let not the free soil party imagine that the North will remain a unit for the purpose of making war upon the South. New relative positions, and new interests connected with them, or even the already existing diverse, if not hostile interests, released from existing bonds and obligations, will lead to new political combinations. Is it likely that New-York, deeply interested as she is in the establishment of free trade, will *then* consent to the imposition of a high tariff, for the benefit of the manufacturers of New England? Is it likely?

(A dissolution of the Union! Annihilation of the political hopes of the whole human race! Extinguishment of the great Light of Liberty, shining with cheering rays, like a beacon light across the dark and dreary waste of the waters of despotism!) Let us not descend to calculate the pecuniary value of the Union, to compute the sum total of the losses and sacrifices that would attend its destruction. The very blood of the individual martyrs who might die in the defence of justice and honour, however precious, becomes as nothing, in contemplation of that vast calamity. This Union dissolved! It would be as though the Sun were blotted from the firmament: darkness and despair would cover the earth: political darkness and despair immutable, hopeless, final:

“Put out the light,—and then put out the light.
 If I quench thee, thou flaming minister,
 I can again thy former light restore
 If I repent me:—but once put out *thine*,
 I know not where is the Promethean heat,
 That can thy light relume.”

Would that my voice could reach to the Penobscot, and beyond the Penobscot, to the Mississippi, and beyond the Mississippi! I would say to the inhabitants of this wide region, this now united domain,—Men of the North! strong in numbers, you have yet the power to control the destinies of the country! Use this great advantage wisely, and you will preserve it; abuse it, and it will be lost to you forever. Deal gently with your brethren of the South; push them not to a dangerous extreme! Abjure a platform which prompts you to despoil your brother of his inheritance; follow not a leader, who would conduct you to disunion, perhaps to civil war! Sacrifice something even of your rights on the altar of patriotism! Concede something even to the supposed comparative weakness of the South! Remember the advice of the wisest statesman of Great Britain, given to Parliament, counselling moderation in their treatment of the American colonies, *then about to secede* from their union with Great Britain—“Concession comes with better grace and more salutary effect from superior power—it reconciles superiority of power with the feelings of men, and establishes solid confidence on the foundations of affection and gratitude.” And I would add,—Men of the Middle States! You hold the central position, and should not hold extreme opinions: in your hands rests the balance of power. It is your natural and proper prerogative to be the *mediator* between the North and the South. Exercise your prerogative! Arrest the tide of advancing fanaticism, and say, “Thus far, and no farther!” Rebuke the troubled waters and to the furious waves say, “Peace! be still!”

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